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*Attorneys for Defendant Marks Studios, LLC*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

KONAMI GAMING, INC., a Nevada  
corporation,

Plaintiff,

v.

MARKS STUDIOS, LLC d/b/a Gimmie  
Games, a Georgia limited liability company,

Defendant.

CASE NO.: 2:14-cv-01485-JAD-CWH

Honorable Jennifer A. Dorsey  
Magistrate Judge Carl W. Hoffman

**STIPULATION AND [PROPOSED]  
ORDER TO MODIFY SCHEDULING  
ORDER  
(FIFTH REQUEST)**

Pursuant to Local Rules 6-1 and 26-4. Plaintiff Konami Gaming, Inc. (“Konami” or “Plaintiff”) and Defendant Marks Studios, LLC d/b/a Gimmie Games (“Marks Studios” or Defendant”) hereby stipulate as follows:

**WHEREAS**, the parties to this action filed a proposed joint Discovery Plan and Scheduling Order (the “Scheduling Order”) on December 30, 2014, (*Docket no. 24*);

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**WHEREAS**, the Court so ordered the Scheduling Order on January 27, 2015 (*Docket no. 31*);

**WHEREAS**, to date, the Plaintiff and Defendant have made their Initial Disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1) and have filed the Stipulated Protective Order required under Local Rule 16.1-4;

**WHEREAS**, pursuant to the Scheduling Order, discovery is partially stayed until the Court issues a *Markman* order on claim construction.

**WHEREAS**, the Court approved the parties most recent proposed modification of the Scheduling Order on October 1, 2015 (*Docket No. 95*);

**WHEREAS**, lead counsel for the defendant in this action, Mr. Moskin, is also expressly required as lead counsel for Kayak Software Corporation to attend a settlement conference in the matter *Evox Productions LLC v. Kayak Software Corporation*, Case No. 2:15-cv-05053-SS (C.D. Cal.), on the proposed date of exchange of opening claim construction briefs, October 21, 2015, which will also require a day of travel from New York to Los Angeles on October 20, 2015;

**WHEREAS**, the parties have agreed to extend by one week all of the current deadlines in the current schedule to allow the parties sufficient time to exchange Claim Construction Briefs and Expert Disclosures and Reports.

**WHEREAS**, this is the parties' fifth request to modify the Scheduling Order;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for the named parties hereto, that the schedule in the Scheduling Order will be amended as follows:

Event	Basis	Proposed Date
Opening Claim Construction Briefs Exchange	LR 16.1-16	October 28, 2015
Responsive Claim Construction Brief Exchange	LR 16.1-16	November 17, 2015
<i>Markman</i> Hearing	N/A	To be Set By Court
Initial Expert Disclosures and Submission of Interim Status Report	N/A	November 30, 2015
Rebuttal Expert Exchange	N/A	December 29, 2015

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**IT IS FURTHER STIPULATED AND AGREED** that nothing herein alters the obligations and requirements included in the Scheduling Order and that this Stipulation is made in good faith and not for the purpose of delay.

**IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,**

Dated: October 16, 2015

Dated: October 16, 2015

By: /s/ Nicholas J. Santoro

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By: /s/ Patrick McCarthy

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*Attorneys for Defendant Marks Studios, LLC*

**ORDER**

**PURSUANT TO THE STIPULATION, IT IS SO ORDERED:**

Dated: October 19, 2015

  
\_\_\_\_\_  
Carl W. Hoffman  
United States Magistrate Judge